

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESHANE J. HOLMES,

Plaintiff,

No. CIV S-04-2377 JKS EFB P

vs.

JEANNE S. WOODFORD, et al.,

Defendants.

ORDER

Plaintiff is a prisoner without counsel suing for alleged civil rights violations.¹ See 42 U.S.C. § 1983. He previously filed a related action, *Holmes v. Teer*, Case No. Civ. S-04-1308 JKS EFB (“*Holmes I*”), which asserts the same or similar claims against some of the same defendants as in this later filed action. The claims in both actions arise from on the same core of operative facts.² Defendants filed a motion for summary judgment in that earlier filed case (*Holmes I*). Defendants also moved to stay this action (“*Holmes II*”) pending resolution of the

¹ The complaint in this cases (*Holmes II*) names 23 defendants and claims that they violated plaintiff’s rights with respect to his apprenticeship in electrical maintenance in 2003 and 2004.

² The actions were found related within the meaning of Local Rule 83-123 and a related case order was issued reassigning the instant case to the judges assigned to *Holmes I*.

1 summary judgment motion in *Holmes I*. That summary judgment motion has now been resolved
2 and the motion to stay this case is now moot. *See Freeman v. DirectTV, Inc.*, 457 F.3d 1001,
3 1003 (9th Cir. 2005) (affirming district court's ruling granting motion to dismiss and finding that
4 in light of that grant, the motion for summary judgment was moot).

5 Accordingly, it is ORDERED that defendants' May 15, 2007, motion to stay this action is
6 denied as moot.

7 Dated: March 24, 2008.

8 
9 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE